

See Attachment

(52)

12-1-00

Jc

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

DR. ROBERT CLARK,

MARTIN L. DRAGOVICH,

JOHN A. PALAKOVICH,

ROBERT N. NOVOTNEY,

MICHAEL J. KAZOR, and

JOHN ANDRADE

Defendants

CIVIL NO. 1:00-CV-1090

(Judge Rambo)

(Magistrate Judge Smyser)

FILED
HARRISBURG, PA

NOV 30 2000

MARY E. D'ANDREA, CLERK
Per Jc Deputy ClerkORDER

On October 30, 2000, the plaintiff filed a motion entitled "Motion for Order Allowing Plaintiff to Review and Copy his Prison Psychiatric/Mental Health Records" and a brief in support of that motion. The plaintiff is seeking an order compelling the defendants to provide him with copies of his mental health records. We construe the plaintiff's motion as a motion to compel discovery.

Local Rule 5.4(c) provides that "[i]f relief is sought under any of the Federal Rules of Civil Procedure, copies of

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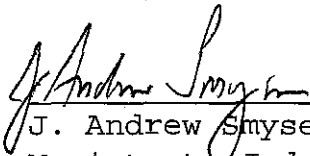
the discovery matters in dispute shall be filed with the court contemporaneously with any motion filed under these rules by the party seeking to invoke the court's relief."

The plaintiff has not attached to his motion a copy of any discovery request to the defendants for his mental health records or any response thereto by the defendants. It appears from the plaintiff's motion that he has not served a discovery request under the Federal Rules of Civil Procedure for copies of his mental health records. The court will not grant a motion to compel without there first being a discovery request served. We will deny the plaintiff's motion to compel.

On November 20, 2000, the corrections defendants filed a motion entitled "Corrections Defendants' Motion for Enlargement of Time to Respond to Plaintiff's Motion for Order Allowing Plaintiff to Review and Copy his Prison Psychiatric/Mental Health Records." The defendants are seeking an order that they are not required to respond to the plaintiff's motion for his mental health records until after

their motion to dismiss is decided by the court. Since we will deny the plaintiff's motion to compel, we will deny as moot the defendants' motion for an enlargement of time to respond to that motion.

AND NOW, this 29th day of November, 2000, **IT IS HEREBY ORDERED** that the plaintiff's motion (doc. 39) to compel is **DENIED** and that the correction defendants' motion (doc. 48) for an enlargement of time is **DENIED AS MOOT**.


J. Andrew Smyser
Magistrate Judge

Dated: November 29, 2000.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

November 30, 2000

Re: 1:00-cv-01090 Jae v. Clark

True and correct copies of the attached were mailed by the clerk
to the following:

John Richard Jae
SCI-GREENE
#BQ-3219
175 Progress Drive
Waynesburg, PA 15370

James D. Young, Esq.
LAVERY, FAHERTY, YOUNG & PATTERSON, P. C.
P. O. Box 12465
Harrisburg, PA 17108-1245 Fax No.: 717-233-7003

Robert M. Wolff, Esq.
PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011-8028

cc: Judge ()
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Ct Reporter ()
Ctroom Deputy ()
Orig-Security ()
Federal Public Defender ()
Summons Issued () with N/C attached to complt. and served by:
U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5 ()
Order to Show Cause () with Petition attached & mailed certified mail
to: US Atty Gen () PA Atty Gen ()

Bankruptcy Court ()
Other _____ ()

DA of County () Respondents ()

MARY E. D'ANDREA, Clerk

DATE: _____

11/30/00

BY: _____

Deputy Clerk